

DOCKET NO: 284523US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
SHUGO NISHI, ET AL. : EXAMINER: A. J. ZIMMER  
SERIAL NO: 10/566,373 :  
FILED: JANUARY 30, 2006 : GROUP ART UNIT: 1793  
FOR: AMORPHOUS SILICA PARTICLES :  
HAVING HIGH ABSORBING  
CAPABILITIES AND HIGH  
STRUCTURAL CHARACTERISTICS

DECLARATION UNDER 37 C.F.R. § 1.132

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

I, CHRISTIAN PANZ declare and state as follows:

1. I am CHRISTIAN PANZ resident in

EMS STRASSE 14a

50389 WESSELING / BERZDORF Germany

2. I am familiar with the claims, and have read the Office Action mailed January 15, 2009, in the above-identified application.

3. The following experiments were conducted under my direct supervision and/or control.

4. Reference Example 1 and Reference Example 2, as described in US 2002/0102198 (Kuhlmann et al) were reproduced, labeled as Silica 1 and Silica 2, respectively, except that while Reference Examples 1 and 2 in Kuhlmann et al were carried out on a production scale, Silicas 1 and 2 were produced on a pilot plant scale.

Silica 1:

BET: 576 m<sup>2</sup>/g

DBP: 381 g/100 g

pH: 6.2

Silica 2:

BET: 514 m<sup>2</sup>/g

DBP: 390 g/100 g

pH: 5.9

6. While the above physico-chemical properties are similar to that described in Kuhlmann et al for Reference Examples 1 and 2 are similar, they are not identical. I attribute this difference to differences in scale. The values obtained for Silica 1 and Silica 2 are well within the respective values for the silica described by Kuhlmann et al.

7. Benzene absorption curves of Silica 1 and Silica 2 were produced therefrom. The benzene absorption curves are **attached herewith**. In the curves, the Japanese writing before the word "Silica" means "Silica".

8. As the benzene absorption curves show, the silicas according to Kuhlmann et al do not exhibit peaks in their pore size distribution curves for pore radii in the range of from 20 to 100 nm.

9. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

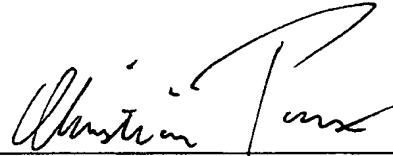
Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

10. Further declarant saith not.

Customer Number

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(OSMMN 05/06)



Signature

**11.05.2009**

Date

